

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

MICHAEL I. FORBES,

Case No. 08-13177

Debtor.

**NOTICE OF MOTION TO REOPEN CASE, AND FOR
ORDER MODIFYING PERMANENT INJUNCTION**

Movant, Megan Hunt, by her attorneys DeWitt Ross & Stevens S.C., by Mark R. Sewell and Denis P. Bartell, has filed a motion to reopen the above entitled case pursuant to 11 U.S.C. § 350(b) for the purpose of modifying the § 524(a) injunction. A copy of said motion is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before twenty (20) days from the date of this Notice, you or your attorney must:

File with the court a written response and request for hearing, stating the reasons for your request and/or objection to the motion at:

United States Bankruptcy Court
Western District of Wisconsin
120 North Henry Street, Room 340
Madison, WI 53703

If you mail your objection and request for hearing to the court for filing, you must mail it early enough so the court will receive it on or before twenty (20) days from the date of this Notice. You must also mail a copy to:

Mark R. Sewell
DeWitt Ross & Stevens S.C.
Two East Mifflin Street, Suite 600
Madison, WI 53703-2865.

If you or your attorney do not take these steps, the court may decide that you do not oppose the motion, and may enter an order granting that relief.

Dated this 23rd day of February, 2009.

DEWITT ROSS & STEVENS S.C.

By: 

Mark P. Sewell (#1012796)

Denis P. Bartell (#1014532)

2 East Mifflin Street, Suite 600

Madison, WI 53703-2865

608-255-8891

ATTORNEYS FOR MEGAN HUNT

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

MICHAEL I. FORBES,

Case No. 08-13177

Debtor.

**MOTION TO REOPEN CASE, AND FOR ORDER MODIFYING
PERMANENT INJUNCTION**

Movant, Megan Hunt, by her attorneys, DeWitt Ross & Stevens S.C., by Denis P. Bartell and Mark R. Sewell, pursuant to § § 350(b) and 105(a) hereby moves the Court for an order reopening the above captioned case, and modifying the injunction provided by 11 U.S.C. § 524(a) so as to permit Movant to proceed in a federal court action currently pending as against non debtor parties. In support of said Motion, Movant respectfully represents as follows:

1 In 2007, Megan Hunt commenced an action against Debtor Michael I. Forbes others in the United States District Court for the Central District of Illinois, case number 07-CV-01095. Said action is founded upon the conduct of the Debtor, and the liability of others based upon said conduct. Said action is currently pending.

2 On June 20, 2008, Mr. Forbes filed a Voluntary Petition for Relief in this Court under 11 U.S.C. Chapter 7. Megan Hunt was listed as a creditor in the Schedules filed by the Debtor.

3 On December 4, 2008, an Order of Discharge was entered herein, and this case was closed by final decree dated December 9, 2008.

4 As a result of the proceedings described above, Movant is permanently
enjoined pursuant to 11 U.S. C. § 524(a) from asserting personal liability against
the Debtor.

5 Movant asserts that parties other than the Debtor are liable to the Movant
arising from the conduct of the Debtor.

6 On January 22, 2009, a status conference was held in the above referenced
District Court before the Honorable Michael M. Mihm, District Court Judge.

7 Judge Mihm advised counsel that, based on the Debtor's discharge in this
case, he was not comfortable permitting the Plaintiff to proceed even against non
debtor parties, and he directed "Plaintiff Hunt to initiate whatever process is
appropriate in the Western District of Wisconsin to lift the permanent injunction in
order for the case in Central District of Illinois to proceed." A copy of the minutes
of said status conference is attached.

8 Movant does not seek to collect or recover on her claims against the
Debtor, but seeks recovery against non debtor parties, based upon the culpability
and liability of the Debtor in accordance with contract and Illinois law.

Dated this 23rd day of February, 2009.

DEWITT ROSS & STEVENS S.C.

By: 

Mark R. Sewell (#1012796)

Denis P. Bartell (#1014532)

2 East Mifflin Street, Suite 600

Madison, WI 53703-2865

608-255-8891

ATTORNEYS FOR MEGAN HUNT

Ralph Davis - Activity in Case 1:07-cv-01095-MMM-JAG Hunt v. Forbes et al Miscellaneous Hearing

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U.S. District Court

CENTRAL DISTRICT OF ILLINOIS

Notice of Electronic Filing

The following transaction was entered on 1/22/2009 at 4:49 PM CST and filed on 1/22/2009

Case Name: Hunt v. Forbes et al

Case Number: 1:07-cv-1095

Filer:

Document Number: No document attached

Docket Text:

Minute Entry for proceedings held before Judge Michael M. Mihm: Parties present via phone by Attys Davis/Herman and John Swartz/Kerley and Tom Klein for status conference at 1:00 pm on Thursday, 1/22/09. Court informed that Defendant Forbes was discharged in bankruptcy on 12/4/08. Court directs Plaintiff Hunt to initiate whatever process is appropriate in the Western District of Wisconsin to lift the permanent injunction in order for the case in Central District of Illinois to proceed. Defendant Forbes to file pleading setting out case law within 14 days regarding whether nominal party does or does not need representation (misc ddl 2/6/09). Plaintiff directed to file response within 21 days. Defendant ISU also has 21 days to file response, if it finds a response is necessary. Final Pretrial Conference will be set after decision entered. Atty Tom Klein to enter his appearance on behalf of ISU. (Court Reporter KH.) (KB, ilcd)

1:07-cv-1095 Notice has been electronically mailed to:

David A Herman dherman@giffinwinning.com, nhansel@giffinwinning.com